

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STATE OF NEW MEXICO ex rel.,
STATE ENGINEER, et al.,

Plaintiffs,

vs.

JOHN ABBOTT, et al.,

Defendants.

CIVIL NO. 68-7488 MV/JHR
Rio Santa Cruz Adjudication

and

CIVIL NO. 70-8650 MV/JHR
Rio de Truchas Adjudication

CONSOLIDATED

ORDER FOR STATUS REPORT

THIS MATTER is before the Court on the Joint Status Report, Doc. 3007, filed June 10, 2020, and the City of Española's Status Report, Doc. 3006, filed June 10, 2020.

The Parties to the Joint Status Report state that they are committed to the negotiation process and that the resumption of litigation would hamper their efforts to resolve Ohkay Owingeh's water rights claims through negotiations. Ohkay Owingeh anticipates that work on the settlement for the next six months will focus on completion of the groundwater model, additional investigation and characterization of the aquifer to determine the amount of water available, additional investigation of the Pueblo's historical water use, and discussion of the big-picture issues that the Pueblo's settlement agreement draft has raised. The Parties state that the settlement negotiations will extend into 2021 and suggest that the Court require the filing of a joint status report on December 10, 2020.

The City of Española states it "has serious concerns regarding (1) the process to select and retain a neutral third party mediator; (2) uncertainty over the State of New Mexico Office of the State Engineer's position(s) in this matter; (3) the ever-expanding and changing nature of Ohkay Owingeh's claims; (4) the legal bases of the Pueblo's claims ...; and (5) the groundwater model

that the Pueblo seeks to utilize over the City's ongoing objections to this model." The City states it "is actively reviewing its path forward" in this matter but does not oppose the other Parties' recommendation that the Court should not schedule the filing and briefing of dispositive motions within the next six months.

The Parties shall, by December 10, 2020, file a joint status report addressing the following: (1) settlement negotiations; (2) scheduling dispositive motions; (3) rescheduling the trial; (4) an update on the Parties' expectations of the timing of a settlement agreement; and (5) any other matters the Parties wish to bring to the Court's attention. In the event the Parties are unable to agree on a joint status report, they may file individual status reports.

IT IS SO ORDERED.


JERRY H. RITTER
UNITED STATES MAGISTRATE JUDGE